

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

---

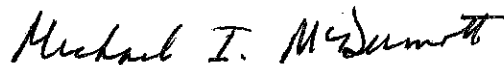
DURANT T. TISDALE,	:	CIVIL ACTION
Plaintiff	:	No. 2:15-CV-05209-WB
vs.	:	
	:	
THE CITY OF PHILADELPHIA,	:	
POLICE OFFICER TIMOTHY GIBSON, and	:	
POLICE OFFICER DAVID SHERWOOD	:	
Defendants	:	

---

**MOTION FOR ENTRY OF DEFAULT**

Plaintiff, Durant T. Tisdaale, by and through his counsel, Michael I. McDermott, Esquire, hereby requests that the clerk of court enter Default Judgment(s) against defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood pursuant to Federal Rule of Civil Procedure 55(a). in support of this request plaintiff relies upon the record in this case and the affidavit submitted herein.

Respectfully submitted:



Michael I. McDermott, Esquire  
Identification No.: 52917  
Attorney for Plaintiff  
1026 Winter Street, Suite 200  
Philadelphia, PA 19107  
(215) 925-9732

Date: December 29, 2015

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

DURANT T. TISDALE,	:	CIVIL ACTION
Plaintiff	:	No. 2:15-CV-05209-WB
vs.	:	
	:	
THE CITY OF PHILADELPHIA,	:	
POLICE OFFICER TIMOTHY GIBSON, and	:	
POLICE OFFICER DAVID SHERWOOD	:	
Defendants	:	

**AFFIDAVIT IN SUPPORT OF  
MOTION FOR ENTRY OF DEFAULT**

I, Michael I. McDermott, Esquire, being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. A Writ of Summons was filed in the Philadelphia Court of Common Pleas, case number 150700250 on July 6, 2015.
3. Defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood, were served a copy of the Writ of Summons on July 24, 2015 as reflected on the docket sheet by the proof of service filed on July 24, 2015. A true and correct copy of the docket sheet for the Philadelphia Court of Common Pleas, case number 150700250 is attached hereto as Exhibit "A".
4. On September 18, 2015 a Notice of Removal was filed by Defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood from the Court of Common Pleas of Philadelphia, case number 150700250, with Certificate of Service. See Exhibit "A".
5. On October 2, 2015 a Motion to Dismiss for Failure to State a Claim Pursuant to 12(B)(6) filed by Defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood.

6. On October 15, 2015, plaintiff filed an Amended Complaint against Defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood.

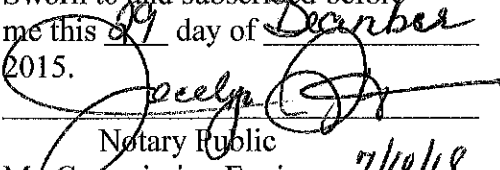
7. On October 28, 2015 an Order in reference to the Motion to Dismiss was entered by the Honorable Wendy Battlestone dismissing Motion to Dismiss for Failure to State a Claim Pursuant to 12(B)(6) filed by Defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood as moot.

8. The defendants did not file a subsequent motion to dismiss.

9. An answer to the complaint was due on November 16, 2015.

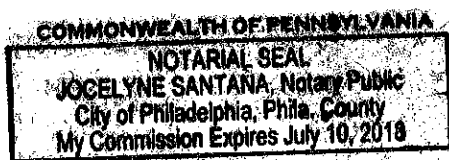
10. Defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood have failed to appear, plead or otherwise defend within the time allowed and, therefore are now in default.

11. Plaintiff requests that the clerk enter default against defendants The City of Philadelphia, Police Officer Timothy Gibson, and Police Officer David Sherwood.

Sworn to and subscribed before  
me this 29 day of December  
2015.  
  
Notary Public  
My Commission Expires: 7/10/18



Michael I. McDermott, Esquire  
Identification No.: 52917  
Attorney for Plaintiff  
1026 Winter Street, Suite 200  
Philadelphia, PA 19107  
(215) 925-9732



**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

---

DURANT T. TISDALE,	:	CIVIL ACTION
Plaintiff	:	No. 2:15-CV-05209-WB
vs.	:	
	:	
THE CITY OF PHILADELPHIA,	:	
POLICE OFFICER TIMOTHY GIBSON, and	:	
POLICE OFFICER DAVID SHERWOOD	:	
Defendants	:	

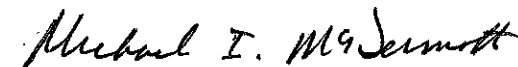
---

**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2015, a copy of the foregoing Motion for Entry Of Default was filed electronically. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the court's system:

Service by electronic filing to:

Aaron Shotland, Esquire  
Assistant City Solicitor  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102



Michael I. McDermott, Esquire  
Attorney Identification No.: 52917  
Attorney for Plaintiff  
1026 Winter Street  
Suite 200  
Philadelphia, PA 19107  
(215) 925-9732

Date: December 29, 2015

EXHIBIT "A"

 No Items in Cart **LOGOUT** mmcdermot

Civil Docket Report

A \$5 Convenience fee will be added to the transaction at checkout.

**Case Description**

**Case ID:** 150700250  
**Case Caption:** TISDALE VS CITY OF PHILADELPHIA LAW DEPARTMENT E  
**Filing Date:** Monday , July 06th, 2015  
**Court:** ARBITRATION  
**Location:** City Hall  
**Jury:** JURY  
**Case Type:** PERSONAL INJURY - OTHER  
**Status:** NOT OF REMOVAL TO US DIST CT

**Related Cases**

*No related cases were found.*

**Case Event Schedule**

*No case events were found.*

**Case motions**

*No case motions were found.*

**Case Parties**

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	MCDERMOTT, MICHAEL I
<b>Address:</b>	1026 WINTER ST. SUITE 200 PHILADELPHIA PA 19107 (215)925-9732	<b>Aliases:</b>	none	
2	1		PLAINTIFF	TISDALE, DURANT T
<b>Address:</b>	4262 N. FRANKLIN STREET PHILADELPHIA PA 19140	<b>Aliases:</b>	none	
3	6		DEFENDANT	CITY OF PHILADELPHIA LAW DEPARTMENT
<b>Address:</b>	1515 ARCH STREET PHILADELPHIA PA 19102	<b>Aliases:</b>	none	

4	6		DEFENDANT	GIBSON, TIMOTHY
<b>Address:</b>	1515 ARCH STREET PHILADELPHIA PA 19102	<b>Aliases:</b>	POLICE OFFICER TIMOTHY GIBSON, BADGE # 4742	
5	6		DEFENDANT	SHERWOOD, DAVID
<b>Address:</b>	1515 ARCH STREET PHILADELPHIA PA 19102	<b>Aliases:</b>	POLICE OFFICER DAVID SHERWOOD, BADGE # 714	
6			ATTORNEY FOR DEFENDANT	STRAW, CRAIG
<b>Address:</b>	1515 ARCH STREET 14TH FLOOR PHILADELPHIA PA 19102 (215)683-5442	<b>Aliases:</b>	none	
7	6	11-SEP-2015	ATTORNEY FOR DEFENDANT	PROSPER, REBECCA
<b>Address:</b>	1515 ARCH STREET 14TH FLOOR PHILADELPHIA PA 19102 (215)683-5443	<b>Aliases:</b>	none	

**Docket Entries**

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
06-JUL-2015 03:45 PM	ACTIVE CASE			07-JUL-2015 09:14 AM
<b>Docket Entry:</b>	E-Filing Number: 1507009057			
06-JUL-2015 03:45 PM	COMMENCEMENT OF CIVIL ACTION	MCDERMOTT, MICHAEL I		07-JUL-2015 09:14 AM
<b>Documents:</b>	<u>Final Cover</u>			
<b>Docket Entry:</b>	none.			
06-JUL-2015 03:45 PM	PRAE TO ISSUE WRIT OF SUMMONS	MCDERMOTT, MICHAEL I		07-JUL-2015 09:14 AM

<b>Documents:</b>	<a href="#">PRAECIPE FOR WRIT OF SUMMONS-Durant Tyrone Tisdale.pdf</a> <a href="#">10-208-Writ-of-Summons.pdf</a>			
<b>Docket Entry:</b>	PRAECIPE TO ISSUE WRIT OF SUMMONS FILED. WRIT OF SUMMONS ISSUED.			
06-JUL-2015 03:45 PM	SHERIFF'S SURCHARGE 3 DEFTS	MCDERMOTT, MICHAEL I		07-JUL-2015 09:14 AM
<b>Docket Entry:</b>	none.			
07-JUL-2015 09:14 AM	ARBITRATION HEARING SCHEDULED			07-JUL-2015 09:14 AM
<b>Docket Entry:</b>	SCHEDULED FOR ARBITRATION HEARING ON APRIL 4, 2016, AT 09:15 AM AT THE ARBITRATION CENTER, 1880 JFK BLVD., 5TH FLOOR.			
24-JUL-2015 02:30 PM	AFFIDAVIT OF SERVICE FILED	MCDERMOTT, MICHAEL I		24-JUL-2015 02:31 PM
<b>Documents:</b>	<a href="#">Affidavit of Service upon Defendant City of Philadelphia-Law Department.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF PLAINTIFF'S WRIT OF SUMMONS UPON CITY OF PHILADELPHIA LAW DEPARTMENT BY PERSONAL SERVICE ON 07/24/2015 FILED. (FILED ON BEHALF OF DURANT T TISDALE)			
24-JUL-2015 02:31 PM	AFFIDAVIT OF SERVICE FILED	MCDERMOTT, MICHAEL I		24-JUL-2015 02:35 PM
<b>Documents:</b>	<a href="#">Affidavit of Service upon Defendant Philadelphia Police Officer Timothy Gibson Badge No 4742.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF PLAINTIFF'S WRIT OF SUMMONS UPON TIMOTHY GIBSON BY PERSONAL SERVICE ON 07/24/2015 FILED. (FILED ON BEHALF OF DURANT T TISDALE)			
24-JUL-2015 02:33 PM	AFFIDAVIT OF SERVICE FILED	MCDERMOTT, MICHAEL I		24-JUL-2015 02:36 PM
<b>Documents:</b>	<a href="#">Affidavit of Service upon Defendant Philadelphia Police Officer David Sherwood Badge No 714.pdf</a>			
<b>Docket Entry:</b>	AFFIDAVIT OF SERVICE OF PLAINTIFF'S WRIT OF SUMMONS UPON DAVID SHERWOOD BY PERSONAL SERVICE ON 07/24/2015 FILED. (FILED ON BEHALF OF DURANT T TISDALE)			
30-JUL-2015 03:04 PM	RULE TO FILE COMPLAINT	STRAW, CRAIG		30-JUL-2015 03:33 PM
<b>Documents:</b>	<a href="#">Craig Straw Praecipe.pdf</a>			
<b>Docket Entry:</b>	PRAECIPE AND RULE FILED UPON DURANT T TISDALE TO FILE A COMPLAINT WITHIN TWENTY (20) DAYS OR SUFFER JUDGMENT OF NON PROS FILED. (FILED ON BEHALF OF DAVID SHERWOOD, TIMOTHY GIBSON AND CITY OF PHILADELPHIA)			



LAW DEPARTMENT) ENTRY OF APPEARANCE FILED ON BEHALF OF DAVID SHERWOOD, TIMOTHY GIBSON AND CITY OF PHILADELPHIA LAW DEPARTMENT.				
30-JUL-2015 03:04 PM	CITY CHARGE SUBSEQUENT FILINGS	STRAW, CRAIG		30-JUL-2015 03:33 PM
<b>Docket Entry:</b>	none.			
03-AUG-2015 04:55 PM	ENTRY OF APPEARANCE	PROSPER, REBECCA		04-AUG-2015 08:35 AM
<b>Documents:</b>	<a href="#">Entry of Appearance.pdf</a>			
<b>Docket Entry:</b>	ENTRY OF APPEARANCE OF REBECCA PROSPER FILED. (FILED ON BEHALF OF DAVID SHERWOOD, TIMOTHY GIBSON AND CITY OF PHILADELPHIA LAW DEPARTMENT)			
03-AUG-2015 04:55 PM	JURY TRIAL PERFECTED			04-AUG-2015 08:35 AM
<b>Docket Entry:</b>	12 JURORS REQUESTED.			
03-AUG-2015 04:55 PM	CITY CHARGE SUBSEQUENT FILINGS	PROSPER, REBECCA		04-AUG-2015 08:35 AM
<b>Docket Entry:</b>	none.			
02-SEP-2015 04:43 PM	COMPLAINT FILED NOTICE GIVEN	MCDERMOTT, MICHAEL I		03-SEP-2015 08:48 AM
<b>Documents:</b>	<a href="#">Complaint Jurisdiction.pdf</a>			
<b>Docket Entry:</b>	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED. (FILED ON BEHALF OF DURANT T TISDALE)			
11-SEP-2015 09:56 AM	WITHDRAWAL OF APPEARANCE	PROSPER, REBECCA		11-SEP-2015 09:57 AM
<b>Documents:</b>	<a href="#">TisdaleWOA.pdf</a>			
<b>Docket Entry:</b>	WITHDRAWAL OF APPEARANCE OF REBECCA PROSPER FILED. (FILED ON BEHALF OF DAVID SHERWOOD, TIMOTHY GIBSON AND CITY OF PHILADELPHIA LAW DEPARTMENT)			
18-SEP-2015 02:46 PM	NOT OF REMOVAL TO US DIST CT			18-SEP-2015 02:47 PM
<b>Documents:</b>	<a href="#">RMEDC 16.pdf</a>			

**Docket  
Entry:**

NOTICE OF REMOVAL TO THE U.S. (EASTERN) DISTRICT COURT UNDER 15-CV-5209.

[▶ Case Description](#)[▶ Related Cases](#)[▶ Event Schedule](#)[▶ Case Parties](#)[▶ Docket Entries](#)[E-Filing System](#)[Search Home](#)